



September 10, 2015

**By CM/ECF**

Hon. Gary R. Brown, U.S.M.J.  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

**Re: *Puglisi, et al. v. TD Bank, N.A.*, No. 13 Civ. 637 (LDW) (GRB)**

Dear Judge Brown:

Together with Shulman Kessler LLP, the Shavitz Law Group, P.A., and Winebrake & Santillo, LLC, we represent the Plaintiffs in the above-referenced action. On July 30, 2015, the Court granted final approval of the parties' Joint Stipulation of Settlement and Release ("Settlement Agreement"). ECF No. 98. We write, with Defendant's consent, to request that the Court (1) permit certain Class Members who submitted late claim forms to participate in the settlement and (2) grant a brief extension of the deadlines for Defendant to deposit the settlement funds with the Settlement Claims Administrator and for the Settlement Claims Administrator to disburse the settlement payments to Class Members and Class Counsel.


Pursuant to the Settlement Agreement, Class Members had 45 days from the date of mailing of their Notice and Claim Form to return a signed Claim Form ("Claim Form Deadline"). Settlement Agreement, ECF No. 92-1, § 1.4. However, the Settlement Claims Administrator received numerous Claim Forms from Class Members after the Claim Form Deadline that either bore no postmark, or that were postmarked after the deadline. In addition, Class Counsel received calls from several Class Members who purportedly learned of the settlement only after the Claim Form Deadline and who had not received a Notice and Claim Form because it was sent to an incorrect address. In total, the parties are aware of approximately 109 Class Members who have either submitted late Claim Forms or who did not receive a claim form and now intend to do so. The parties have conferred regarding these late claimants, and have agreed to accept these approximately 109 claims as part of the settlement. No other late claims will be permitted. The parties respectfully request that the Court permit these late claimants to participate in the settlement, including acceptance of their Claim Form and payment from the settlement fund.

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In addition, the parties respectfully request that the Court grant a brief extension of the deadline for Defendant to deposit the settlement funds with the Settlement Claims Administrator and for the Settlement Claims Administrator to mail the settlement payments. The Settlement Agreement provides that Defendant shall submit the settlement funds to the Settlement Claims Administrator no later than 14 days after the Effective Date, and further provides that the Settlement Claims Administrator will mail checks to the applicable Class Members and Class Counsel within 3 business days of the date that Defendant submits the settlement funds. Settlement Agreement, ECF No. 92-1, at §§ 3.1(B), 2.5(B), 1.8. Because of the late claimants, the Settlement Claims Administrator requires additional time to calculate the settlement payments. In order to ensure that all calculations and payments are accurate and timely, we respectfully request that the Court extend the time for Defendant to submit payment to the Settlement Claims Administrator from 14 days after the Effective date to 30 business days after the Effective Date (such that Defendant will submit the settlement funds to the Claims Administrator no later than October 16, 2015), and extend the time for the Settlement Claims Administrator to mail payments from 3 business days to 5 business days (such that payments will be mailed to Class Members and Class Counsel no later than October 23, 2015).

We thank the Court for its attention to this matter.

Respectfully submitted,



Justin M. Swartz

cc: Jonathan Shapiro, Esq. (via CM/ECF)  
Randy S. Gidseg, Esq. (via CM/ECF)  
Plaintiffs' Counsel (via CM/ECF)